

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Case No. 3:12-CR-34-06

RICHARD BENTON,

Defendant.

ORDER REGARDING MENTAL STATUS EVALUATION

This case is before the Court upon the August 10, 2012, report of Ron Nieberding, Ph.D. Clinical Psychologist, to whom Defendant was referred for an examination and evaluation pursuant to title 18 U.S.C. §4241 . Copies of the report were provided to Counsel.

At the competency hearing on September 12, 2012, both Counsel acknowledged receiving the report of Dr. Neiberding, and stipulated to the findings of that report which was marked as Court's Exhibit 1. No further evidence was presented. The Court took the matter under advisement.

Based upon the stipulation of Counsel, and the opinion of Dr. Nieberding contained in the forensic report, filed under seal with this Court on September 12, 2012, the Court FINDS the Defendant competent to stand trial.

DONE and ORDERED in Dayton, Ohio, this 13th day of September, 2012.

s/Thomas M. Rose

THOMAS M. ROSE, JUDGE
UNITED STATES DISTRICT COURT